

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DARCY M. BLACK,

Plaintiff,

v.

15-cv-00049

**BUFFALO MEAT SERVICE, INC., doing business
as BOULEVARD BLACK ANGUS, also known as
BLACK ANGUS MEATS, also known as BLACK
ANGUS MEATS & SEAFOOD,
ROBERT SEIBERT,
DIANE SEIBERT,
KEEGAN ROBERTS,**

Defendants.

**LOCAL RULE 56(a)(3) APPENDIX TO DEFENDANTS' STATEMENT OF
MATERIAL FACTS**

Pursuant to the Federal Rules of Civil Procedure Rule 56 and the Local Rules of Civil Procedure of the United States District Court for the Western District of New York, Rule 56(a)(3), Defendants, by and through their attorneys Barclay Damon LLP, hereby provide this Appendix to their Statement of Material Facts, which includes the following Exhibits:

Exhibit A: A copy of the EEOC Intake Questionnaire completed by Black (before Black retained counsel), dated June 14, 2010 and received by the EEOC on June 18, 2010.

Exhibit B: A copy of the undated Charge of Discrimination prepared by Black to the EEOC.

Exhibit C: A copy of the Charge of Discrimination filed by Greco Trapp PLLC, on behalf of Black, dated December 16, 2010 and received by the EEOC on January 3, 2011.

- Exhibit D** A copy of a letter from Black's attorney to the EEOC Investigator, Nelida Sanchez, dated October 24, 2011, together with Black's Reply to Respondent's Position Statement.
- Exhibit E:** A copy of a letter from Black's attorney to the EEOC Investigator, Nelida Sanchez, dated November 4, 2014.
- Exhibit F:** A copy of the EEOC's Determination related to Black's Charge filed under Title VII of the Civil Rights Act and Equal Pay Act dated October 20, 2014.
- Exhibit G:** Copies of relevant pages from the deposition transcript of Plaintiff Darcy M. Black, taken on January 23, 2018 and continued on October 10, 2018.
- Exhibit H:** A copy of medical progress notes dated August 12, 2009 prepared by Black's health care provider regarding a counseling session with Black.
- Exhibit I:** Copies of relevant pages from the deposition transcript of Defendant Diane Seibert, taken on January 4, 2018.
- Exhibit J:** Copies of relevant pages from the deposition transcript of Defendant Robert Seibert, taken on January 10, 2018.
- Exhibit K:** Copies of relevant pages from the deposition transcript of Defendant Keegan Roberts, taken on January 12, 2018.
- Exhibit L:** Copies of relevant pages from the deposition transcript of Sean Round taken on November 20, 2017.
- Exhibit M:** Copies of relevant pages from the deposition transcript of Mark Leible taken on January 22, 2018.

- Exhibit N:** Copies of relevant pages from the deposition transcript of Debbie Negrych taken on January 8, 2018.
- Exhibit O:** Copies of relevant pages from the deposition transcript of Jamie LaPress taken on January 5, 2018.
- Exhibit P:** Copies of relevant pages from the deposition transcript of Patrick Howells taken on February 19, 2018.
- Exhibit Q:** Copies of relevant pages from the deposition transcript of Raeleen Rush McGee taken on May 20, 2019.
- Exhibit R:** A copy of Black's résumé.
- Exhibit S:** A copy of Black's May 19, 2010 resignation letter tendered to the Butcher Shop.

DATED: August 20, 2019

Respectfully submitted,

BARCLAY DAMON LLP

By: /s/ Randolph Oppenheimer
Randolph C. Oppenheimer, Esq.
Sarah A. O'Brien, Esq.

Attorneys for Defendants
The Avant Building
200 Delaware Avenue, Suite 1200
Buffalo, New York 14202
Telephone: (716) 858-3780
Facsimile: (716) 308-3843